

OPINIONS BY THE SUPREME COURT

Promissory Notes Are Negotiable If Attorney's Fees Are Not Specified.

LOWER COURT UPHELD SETTLES MATTER REGARDING THE RIGHT OF A LIENOR.

Three opinions were handed down by the supreme court on Saturday, all written by Justice J. E. Frick, the other justices concurring. In two cases, that of W. S. McCormick against J. M. Swem and O. H. Some, appellants, and that of the Park City Meat company and Herbert W. Gillespie, appellants, against the Comstock Silver Mining company, the California Mining & Milling company and H. A. McCormick, the judgments of the Third district court were affirmed.

In another case, that of Selma Nixon Boucofski and others, appellants, against Esther Cohen, appellee, the opinion modified the expression of a former opinion on a petition for rehearing to permit the entering of a personal judgment against Mrs. Jacobson on a promissory note.

In the case of McCormick against Swem, the court lays down the principle that promissory notes are negotiable even if attorney's fees are not specified. The suit was brought for \$400.13 with attorney fees, on a note for \$1.15, made by Swem and Some to the Northern Light Mining & Milling company and transferred to McCormick. Judgment was obtained in Judge Morse's division of the Third district court, and appeal was taken on the ground that the instrument was not negotiable because the blank for attorney's fees had not been filled in.

The supreme court lays down the rule that the negotiable instrument, law having been adopted by Utah, with other states, the provision concerning attorney's fees does not affect the negotiability of the note.

Rights of a Lienor.

In the Park City suit the chief question involved is thus stated: "Does a lienor acquire rights to lands and buildings situate thereon, and machinery contained therein, upon which he does not specifically claim a lien, and none of which are referred to in the claim of lien, on the ground that such land, buildings and machinery are appurtenances of the lands and premises actually described?"

The supreme court holds in the negative. The Comstock company's property had been sold to the Mine & Smelter Supply company under decree of foreclosure from the United States circuit court for \$12,153.40, but two pieces of property were not included or described in the deed. The meat company and Gillespie obtained judgments against the Comstock company, and the executions were returned unsatisfied with the indorsement that the company owned no property within the court's jurisdiction. The meat company and Gillespie then brought suit to enforce the judgments against these two pieces of property named in the deed. The Comstock demurred, and Judge C. W. Morse sustained the demurrer, dismissing the case when the plaintiffs elected to stand by their complaint.

An appeal was taken to the supreme court, which now holds they had failed to properly establish their lien, and that the two pieces of property conveyed did not necessarily have to be described separately in the deed.

METEOROLOGICAL REPORT.

Record of the Local Weather Bureau for Yesterday.

Temperature at 6 p. m., 72; maximum temperature, 75; minimum temperature, 67; mean temperature, 71, which is 6 degrees below normal. Total precipitation since the first of the month, 4. Accumulated excess of temperature since January 1, 9 degrees. Total precipitation since first of month, 12 inch, which is 33 inch below normal. Accumulated excess since January 1, 2.11 inches. Relative humidity at 6 p. m., 39 per cent.

YOUR BACKACHE WILL YIELD

To Lydia E. Pinkham's Vegetable Compound

Rockland, Maine.—"I was troubled for a long time with pains in my back and side, and was miserable in every way. I doctored until I was discouraged, and thought I should never get well. I read a testimonial about Lydia E. Pinkham's Vegetable Compound, and thought I would try it. After taking three bottles I was cured, and never felt so well in all my life. I recommend Lydia E. Pinkham's Vegetable Compound to all my friends."—Mrs. Wm. L. Foy, 6 Columbia Avenue, Rockland, Me.

Backache is a symptom of female weakness or derangement. If you have backache, don't neglect it. To get permanent relief you must reach the root of the trouble. Nothing we know of will do this so safely and surely as Lydia E. Pinkham's Vegetable Compound. Cure the cause of these distressing aches and pains and you will become well and strong.

The great volume of unsolicited testimony constantly pouring in proves conclusively that Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has restored health to thousands of women.

Mrs. Pinkham, of Lynn, Mass., invites all sick women to write her for advice. She has guided thousands to health free of charge.

STORY OF CAMPAIGN OF WHICH SALT LAKE IS PROUD—HOW THE MONEY WAS RAISED TO PUT Y.M.C.A. ENTIRELY OUT OF DEBT

Dramatic Moments in the History of the Local Association—Campaign of 1893.

Association Has Planned Some Big Features for the Coming Summer—Work Outlined.

On the night of May 12 the ten men composing the Commercial club campaign committee for the Young Men's Christian association thanked the 125 committeemen who had made what was probably the greatest ten-day campaign for funds ever seen in a city the size of Salt Lake and dismissed them. There was one item of \$27,000 which was yet on paper. Chairman P. J. Moran, however, said that it was just as sure as if it laid on the table by his side, and today it is in paper.

The committee met last Friday noon at the Commercial club, and after a careful audit of their accounts found they were \$367.75 short. Treasurer C. W. Nibbel spoke, and said that closed the actual securing in pledges of \$150,000 for the Salt Lake City Y. M. C. A. It was just six years after it was unofficially prophesied that \$50,000 could not be raised in this town for such a purpose.

This last \$27,000 includes some handsome subscriptions. Colonel Enos A. Wall subscribed \$15,000, over half the sum which remained to be secured. David Keith, who, like M. H. Walker, had given \$5,000 in the original campaign, brought joy to the hearts of the committeemen by sending in a subscription blank good for \$5,000. Frank Knox, who was in the original fund a few years ago, sent his check for \$1,000, as did Colonel E. F. Holmes, and also Mrs. Holmes, while W. F. Kiser dropped a \$500 check in the mail, and the following letter from the first presidency of the Mormon church carried a check for \$500:

"Dear Mr. Stephens: Referring to calls made on us this morning by yourself and other gentlemen in the interest of the Young Men's Christian Association of this city, we take great pleasure in again saying that we fully appreciate the kindly feelings and sentiments expressed by you, and heartily reciprocate the same and assure you that we fully appreciate the work of moral uplift of the youth of our city in which you are so zealously engaged.

"As we have already told you, our own financial condition is strained because of the unusual efforts now being put forth by us in the erection of buildings for church, school and other purposes, including the costly gymnasium, but as an earnest of our good will, as well as a token of appreciation of the work you and the gentlemen connected with the Y. M. C. A. are doing along educational and moral lines, we enclose our check for \$500, and trust you will accept our very best wishes and kindest personal regards. Yours respectfully,

"JOSEPH F. SMITH,
"JOHN R. WINDER,
"ANTHONY H. LUND,
"First Presidency."

The campaign, for these funds, so far as it has been generally known, was started on May 2 and ran until May 12, but probably some of the hardest and most determined work which was put forth was during the four months preceding. The organization had to be carefully worked out and sufficient enthusiasm and conviction secured as to the possibility for ultimate success, for every one to believe in the work of the cause, to enable the workers to get together a sufficiently large group of husters to cover the city as it was finally covered.

One of the factors which lent the very largest support and strength to the movement in its earlier and duller days was the fact that at the first of the year D. C. Jackling and Windsor V. Rice agreed to subscribe \$10,000 each, and C. W. Whitley and W. W. Armstrong \$5,000 each, for the purpose. These large, hearty subscriptions, made months before the real public campaign, were of inestimable value in holding together and cheering up the workers who had the matter in hand.

The Salt Lake City Y. M. C. A. has seen some dramatic moments. In 1903 it was necessary, in order to meet the conditions of the George Foster Peabody subscription of \$25,000, to have \$50,000 additional raised by June 1. On the evening of May 31 but \$35,000 was raised, not enough to make a showing of probable success, which the committee in charge felt would justify Mr. Peabody in extending his offer.

A directors' meeting was already called for Monday noon in the office of F. B. Stephens, who was then president of the association, and at this meeting it was resolved to lay plans for raising \$5,000, covering the debt which it had incurred in operating the old association, and then to abandon the enterprise as impossible.

That Saturday night at 10 o'clock Mrs. Mary C. Judge, one of the most generous and philanthropic women of the intermountain country, kindly placed in the hands of the general secretary of the Y. M. C. A. a pledge which has become historical. It was for \$10,000, payable upon demand. Nothing was said about this pledge until the board meeting Monday, when it was handed from one director to another, cleared around the table. F. A. Timby, present treasurer of the association, at once arose and said: "Gentlemen, we shall now win," and taking two \$10 gold pieces from his pocket placed them on the table and added: "I want exactly this sum from every man who is here to prosecute this canvass to a successful finish." He got the money and Salt Lake got the association.

Dullest Period of Campaign. During the dullest period of the last campaign (for there is always a dull period in every proper undertaking of this sort) the committeemen were all at luncheon at the Commercial club when Samuel Newhouse entered the room. He seemed to sense the situation and in a few hearty words pledged himself to boost and do whatever might be necessary to make the outcome successful. If there had been any gloom at the hearts of the committeemen it beat a hasty retreat as the 150 went forth for one of the finest afternoon's work of the entire canvass.

The Y. M. C. A. is already laying its plans for the coming year's work. Its camps, as noted elsewhere in this issue, will begin on the 23rd of June for the recreation under educational environment of from 150 to 250 boys on Provo lake. The summer school, which will probably enroll over 200 students, begins Monday, June 21. The general secretary and a few of his associates have recently spent five days in conference with workers from all over the

Teams and Amounts Each Secured

Special Committee.			Business Men's Teams.		
No.	Name.	Amt. secured.	No.	Name.	Amt. secured.
1-Capt.	W. H. Tibbals.....	\$1,086.00	8-Capt.	Geo. D. Alder.....	\$3,381.50
2-Capt.	W. H. Tibbals.....	\$1,086.00	9-Capt.	W. S. Henderson.....	\$3,381.50
3-Capt.	W. H. Tibbals.....	\$1,086.00	10-Capt.	W. S. Henderson.....	\$3,381.50
4-Capt.	W. H. Tibbals.....	\$1,086.00	11-Capt.	W. S. Henderson.....	\$3,381.50
5-Capt.	W. H. Tibbals.....	\$1,086.00	12-Capt.	W. S. Henderson.....	\$3,381.50
6-Capt.	W. H. Tibbals.....	\$1,086.00	13-Capt.	W. S. Henderson.....	\$3,381.50
7-Capt.	W. H. Tibbals.....	\$1,086.00	14-Capt.	W. S. Henderson.....	\$3,381.50
Total amount secured.....			Total amount secured.....		

Young Men's Teams.			Young Men's Teams.		
No.	Name.	Amt. secured.	No.	Name.	Amt. secured.
1-Capt.	W. H. Tibbals.....	\$1,086.00	8-Capt.	W. S. Henderson.....	\$3,381.50
2-Capt.	W. H. Tibbals.....	\$1,086.00	9-Capt.	W. S. Henderson.....	\$3,381.50
3-Capt.	W. H. Tibbals.....	\$1,086.00	10-Capt.	W. S. Henderson.....	\$3,381.50
4-Capt.	W. H. Tibbals.....	\$1,086.00	11-Capt.	W. S. Henderson.....	\$3,381.50
5-Capt.	W. H. Tibbals.....	\$1,086.00	12-Capt.	W. S. Henderson.....	\$3,381.50
6-Capt.	W. H. Tibbals.....	\$1,086.00	13-Capt.	W. S. Henderson.....	\$3,381.50
7-Capt.	W. H. Tibbals.....	\$1,086.00	14-Capt.	W. S. Henderson.....	\$3,381.50
Total amount secured.....			Total amount secured.....		

Grand total.....\$150,000.00

CHICAGO VISITORS TO BE WELL ENTERTAINED

Trip to Saltair, Auto Rides, Special Organ Recital and Banquet at Commercial Club Planned.

When the thirty-nine members of the Chicago Association of Commerce, who are making a trip through western and northwestern states, arrive in Salt Lake from Seattle over the Oregon Short Line and at the Commercial club, they will be greeted by a delegation from the Commercial club.

At 11 o'clock a special organ recital will be given at the Commercial club, and the party will return to their special train and travel to Saltair. After enjoying a dip they will return to the city and at 2 o'clock will be given a luncheon at the Commercial club. The Chicago party will continue on their journey at 4 o'clock in the afternoon. The personnel of the delegation is as follows:

Frederick Budinger, Keith Bros. & Co., hats and caps; Frank W. Carson, the Chicago Tribune's special correspondent; Edward Clifford, Hornbrower & Weeks, bankers and brokers; Emil M. Despres, Despres, Bridges & Co., wholesale jewelry; George J. Dowling, the Cable company, pianos and organs; Hugo De Brock, Hugo De Brock & Co., shirtwaist suit manufacturer; Roswell Field, Chicago Examiner (special correspondent); J. C. Harding, Springfield & F. M. Insurance company; John M. Hart, John M. Hart company, hardware factory products; Hugo Hartman, Hartman & Co., traveling bags; Thomas H. Hurlbert, 6 Madison street, real estate and builder; C. N. Kinslow, J. W. Kimball company, pianos and organs; Eugene T. Kimball, the Paper Mills company, paper manufacturers; Philip H. Kinsley, Associated Press (special correspondent); Richard H. Little, Chicago Record-Herald (special correspondent); F. L. Macomber, Hibbard-Spencer, Bartlett & Co., hardware; John P. Mann, Mann & Reilly, dry goods specialties; V. F. Mashek, the Philco company, lumber; John McCarthy, Charles Hathaway & Co., commercial paper; Hubert F. Miller, the Chicago Association of Commerce; C. W. Mott, representative Northern Pacific Railroad company; James O'Shaughnessy, Gundlach Advertising company, advertising; Percival B. Palmer, Percival Palmer & Co., clocks and suits; George G. Powers, Union Wire Mattress company, furniture; Frederick H. Rawson,

A Sure Winner.

Our installment plan in Diamonds, Watches and Jewelry. J. B. FLATOW, 49 E. 2nd So. St.

Tuesday evening at 8:15 the next lesson will be given at The Herald Cooking School, Unity hall, 138 S. Second East.

Monarch Light Touch Typewriter. Utah Typewriter Exchange Co.

BISHOP TUTTLE TO PREACH

Former Missionary Bishop of Utah to Be Heard Today in St. Mark's Cathedral.

At St. Mark's cathedral, 225 East First South street, the Right Rev. David S. Tuttle, D. D., L. L. D., D. C. L., will preach today at the regular services, 11 a. m. and 7:30 p. m., and also at the annual service of the Girls' Friendly society, at 3:30 p. m., in the cathedral.

TEACHERS' EXAMINATIONS.

Will Open in Lafayette School Building on June 14.

Teachers' examinations will open in the Lafayette school building on June 14, and continue all the following day. The schedule of subjects and hours follows:

Monday, June 14—English grammar, 9 a. m. to 10:30 a. m.; United States history, 10:30 a. m. to 12 m.; writing, 1 p. m. to 2:30 p. m.; pedagogy, 2:30 p. m. to 4:30 p. m.; spelling, 4:30 p. m. to 5:30 p. m.

Tuesday, June 15—Arithmetic, 9 a. m. to 10:30 a. m.; geography, 10:30 a. m. to 12 m.; reading, 1 p. m. to 2:30 p. m.; physiology, 2:30 p. m. to 4:45 p. m.

Try This Laxative For Your Baby

Thousands of mothers are being racked and worn by the worry of sick children. Have you ever thought of looking to the condition of their stomach and bowels? There lies the basis of all health. If it is constipated, if it does not digest its food, how can it be well? So much depends upon the stomach and bowels—nourishment, blood, life itself. You do not feel well when your stomach is weighted with matter that should have been expelled hours or days ago. How much worse does the unreasonable child feel? Do something for it at once, but don't give it salts, or cathartic pills, or purgative powders or tablets, because they are too violent—they are too violent for you, too. Have you ever tried DR. CALDWELL'S SYRUP PEP-SIN? It is a wonderful child's laxative, and thousands of mothers use it and praise it. In legions of homes it is administered in all stomach, liver and bowel troubles. If you have a sickly, constipated, dyspeptic, bilious child or infant give it DR. CALDWELL'S SYRUP PEP-SIN and you will cure it. It is the gentlest, mildest laxative ever compounded and especially suited to the needs of children, women, old folks and all others who do not want to wrench their intestines with strong purgatives. You can buy a 50-cent or \$1 bottle from any druggist. It is guaranteed to do as claimed or your money will be refunded. If the praise of thousands of mothers means anything to you, you are certainly more than justified in trying a bottle. Ask your druggist what he thinks of it. People are buying it every day and he hears what they have to say.

MEDICAL ADVICE.

If there is anything about your ailment that you don't understand, or if you want any medical advice, write to the doctor, and he will answer you fully. There is no charge for this service. The address is Dr. W. B. Caldwell, 518 Caldwell Building, Monticello, Ill.

Dr. W. B. Caldwell, 518 Caldwell Bldg., Monticello, Ill.

Look for this picture on the package.

Union Trust company, bankers; George T. Roble, Excelsior Supply company, automobile supplies; Neil Satterlee, official stenographer; Professor John A. Scott, Northwestern university; Robert L. Scott, Carson, Pirie, Scott & Co., dry goods; Charles Seegers, American Varnish company, paints and varnish manufacturer; Edwin Sherman, Guthmann, Carpenter & Telling, boots and shoes; Dr. Heman Spaulding, Chicago health department; E. D. Stevens, American Silk company, silks and satins; George F. Stone, secretary board of trade; Edward J. Stranek, Kuhn, Nathan & Fischer company, clothing; Harry A. Wheeler, credit clearing house; Orva G. Williams, O. G. Williams Manufacturing company, advertising novelties; Kay Wood, Wood Brothers, live stock commission.

New Oriental Rugs.

This week we received another great importation of the rarest Oriental masterpieces ever shown here. Come and select while the assortment is perfect. We ask you to look at them, whether purchase is intended or not. S. J. NICHOLAS, 72 East 3d So.

Classes in elementary and advanced mechanical drawing, along with a special class for teachers, will be formed at the U. of U. summer session, Monday, June 14.

Knights of Maccabees, Attention.

All Knights and Ladies of the Maccabees are requested to meet at Odd Fellows' hall at 9 a. m. and 8 p. m. Sunday, June 13, 1909, to take part in memorial services.

(Signed) COMMITTEE.

A Sure Winner.

Our installment plan in Diamonds, Watches and Jewelry. J. B. FLATOW, 49 E. 2nd So. St.

Saltair Hippodrome Tonight.

Grigolait's aerial ballet. 15c, 25c, 50c. A great sensation. You must see it.

Do you kodak? We finish and also sell the supplies. Salt Lake Photo Supply Co., 142 Main street.



All Ladies' Cloth Suits at Half Price

Your credit is good; \$1 a week or \$4 a month.

The Western Outfit Co.

266 So. State. Branch Store in Butte.

Geo. Mullett & Co.

KOH-NOOR CLOTHES 41-45 West Second So. S.

Fat and the Directoire

The coming season will be a hard one for fat ladies. The directoire mode endorses already list scornful eyebrows at such a plebeianism as bulky hips. Fat, in short, wherever it may be deposited, is a merited great condemnation and is anathema. In Chicago, it's got to go.

Many minds—many methods. 1. Exercise. 2. Dieting. 3. Worrying. 4. Tight lacing. 5. Massage. All these are suggested, but not all should be adopted. For instance, 1 and 2 are not easy, while 3 and 4 are not hygienic. Thus we set them on one side and consider Marmola.

What is it? A harmless powder obtainable of any good druggist, which, when mixed with 1/2 ounce Fluid Extract Cascara Aromatic and 1/4 ounce Peppermint Water, and taken after meals and at bedtime will without causing any inner disturbances or outward flesh wrinklings, reduce the excess flesh, proportionately and uniformly, 12 to 16 ounces a day.

Button, button, who's got the button? \$5 TOMORROW FOR NUMBER

1569

A button with each \$1 Purchase.

Culmer Paint & Glass Co.

Acme Quality Paints, 20 EAST 1ST SOUTH.

They Were Cured By Dr. Caldwell's Syrup Pepsin.

From birth my daughter was troubled with constipation and sick headache. We tried many things, but the doctor prescribed, but found nothing to cure her until we had Dr. Caldwell's Syrup Pepsin. In six months she gave her three 50-cent bottles, and the trouble is gone. She eats heartily and gained several pounds in weight, and has no more trouble of any kind with her stomach or bowels. Mrs. Myrtle Mather, Chicago, Ill.

In regard to Dr. Caldwell's Syrup Pepsin, it affords pleasure to say that we have used it in our families, both with children and adults with the best of satisfaction. We recommend it to our customers and have never had a dissatisfied customer. Hence, shall continue doing so.—Smith & Laurence, Newton Falls, O.

I tried the sample of Syrup Pepsin you sent, then purchased a 50-cent bottle. It has helped my little girl so much and given her an appetite. I also have taken it myself and think it is splendid for the stomach.—Mrs. K. H. Stout, Louisville, Ky.

I received the sample bottle of Syrup Pepsin as ordered from you. My little girl used it and it was indeed a blessing to the results.—Jno. W. Dunham, Apple Creek, Ohio.

Send for Free Trial Bottle.

Readers of this paper who have never yet used Dr. Caldwell's Syrup Pepsin can have a free trial bottle sent to their home by forwarding their address to the Doctor. A postal card will do. It puts you under no obligation. It is done to prove to the world his confidence in its merits. In this way, by actual, personal demonstration, thousands have been brought to use it. It is regularly in thousands of American homes. It is The Nation's Safeguard to Health, and the one reliable and agreeable cure for constipation, dyspepsia, indigestion, torpid liver, sick headache, biliousness and similar stomach, liver and bowel disorders. It agrees well with children; they like its taste. The purity of its ingredients is vouched for by the Government. If sufferers from any of these ailments, send your name today for a free trial bottle and you will see how easy it is to be cured when the right means are employed. The address is Dr. W. B. Caldwell, 518 Caldwell Bldg., Monticello, Ill.

Bell Phone 876. Ind. Phone 877

W. S. HENDERSON

WHOLESALE GROCER

CORNER SECOND SOUTH AND THIRD WEST STS.

SALT LAKE CITY, UTAH.

Prompt Shipments to All Parts of the Country.

High Grade Groceries. Mail Orders Solicited.

It Carries Weight

Because it takes a weight of responsibility off your shoulders, and protects you from loss by fire when you have a policy taken out through

Heber J. Grant & Co.'s Agency

Our companies are all thoroughly responsible, and always make prompt settlement of claims.

20-26 South Main St., Salt Lake City, Utah. Phones 500.

MONEY COLLECTED

We recently collected money for all of the following clients. Read the list you will know some of them. One of the items represents \$250 collected from a party in Old Mexico. It had been owing for nearly ten years.

Orangeville Co-op, Orangeville, Utah.

B. J. Lund & Co., Modena, Utah.

Bauer Bros., Merco, Co., wholesale liquors, city.

Cartier's League Cycle store, city.

Dr. C. H. Soler, Evanston, Wyo.

Rocky Mountain Bell Tel. Co., city.

J. J. Williams, Jr., Sandy, Utah.

Mrs. Rose Lyman, 58 E. 2d So., city.

James Grocery Co., city.

T. C. Wallenspiel, the Cigar Man, 41 Eagle block, city.

J. G. Cameron, Hall's hotel, city.

S. S. Dickinson, grocer, 680 E. 2d So., city.

F. J. Smith, 155 E. 2d So., city.

O. F. Millerberg, dairyman, 53 W. 5th So., city.

F. C. Schramm, druggist, "Where the cars stop," city.

Ogden Furniture Co., Ogden, Utah.

Robert E. Lewis, the coal man, Ogden.

A. R. Fuller, Corinne, Utah.

Alfred Ruger, 15th So. and 11th E., city.

U. H. Nott grocery, Richards st., city.